

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

**ANNE BRUMBAUGH, GARY L. HARMON and
RANDY K. GRIFFIN,**

Plaintiffs,

V.

WAVE SYSTEMS CORPORATION, JOHN E. BAGALAY, JR., STEVEN K. SPRAGUE and GERARD T. FEENEY,

Defendants.

**CIVIL ACTION
NO. 04-30022-MAP**

**ASSENTED-TO MOTION FOR EXTENSION
OF TIME TO FILE MOTION TO DISMISS THE
CONSOLIDATED AMENDED CLASS ACTION
COMPLAINT AND TO AMEND BRIEFING SCHEDULE**

Pursuant to Fed. R. Civ. P. 6(b) and Local Rule 7.1, Defendants respectfully request that this Honorable Court grant a one week extension of time (through and including December 14, 2004) within which the Defendants may answer or otherwise respond to the Consolidated Amended Class Action Complaint in this action.

The Defendants also hereby request that the briefing schedule for the Defendants' Motion To Dismiss The Consolidated Amended Complaint be amended to provide the Plaintiffs through and including January 28, 2005 to file their opposition brief. Accordingly, granting this Motion will have no effect on the Court's hearing of oral argument scheduled for February 23, 2005 at 2:00 p.m. As grounds for this motion, Defendants state as follows:

1. Plaintiff's counsel has assented to the relief sought by this motion.
2. This Court's Endorsed Order of October 13, 2004 sets forth, among other things, that the Defendants must answer or otherwise respond to the Consolidated Amended Class Action Complaint on December 7, 2004.
3. Due to intervening trial schedules and holidays, the Defendants require additional

time to properly answer or otherwise respond to the Consolidated Amended Class Action Complaint.

4. The Defendants request that the Plaintiffs be allowed an additional 7 days (through and including January 28, 2005) to file an Opposition to the Motion to Dismiss.

5. The Defendants' Reply will continue to be due on February 15, 2005 so that the February 23, 2005 hearing date will remain unaffected.

WHEREFORE, the Defendants respectfully request that they be permitted through and including December 14, 2004 to answer or otherwise respond to the Consolidated Amended Class Action Complaint.

Respectfully submitted,

**WAVE SYSTEMS CORPORATION,
JOHN E. BAGALAY, JR., STEVEN K.
SPRAGUE and GERARD T. FEENEY,**

By their attorneys,

/s/ Eunice E. Lee
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Dated: December 6, 2004.

RULE 7.1(a)(2) CERTIFICATION

I hereby certify that counsel for Defendants conferred with counsel for Plaintiffs in good faith to resolve or narrow the issues presented in this motion, and the Plaintiffs have assented to the relief sought herein.

/s/ Eunice E. Lee
Eunice E. Lee

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above pleading was electronically served upon the attorneys of record for all parties on December 6, 2004.

/s/ Eunice E. Lee
Eunice E. Lee